

No. 1980-38

AN ACT

HB 1382

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, clarifying provisions relating to appeals from awards of arbitrators and provisions relating to arbitrators appearing as counsel and increasing the arbitration limit in all judicial districts.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 2502(a) and section 7361 of Title 42, act of November 25, 1970 (P.L.707, No.230), known as the Pennsylvania Consolidated Statutes, are amended to read:

§ 2502. Certain persons not to appear as counsel.

(a) General rule.—**[No]** *Except as otherwise prescribed by general rule, an attorney at law who is [a member of the staff] an employee of a court shall not appear as counsel in such court [and no]. An attorney at law shall not appear in any court or in any matter in violation of any general rule relating to the practice of law or the conduct of courts, district justices and officers serving process or enforcing orders of courts.*

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§ 7361. Compulsory arbitration.

(a) General rule.—Except as provided in subsection (b), when prescribed by general rule or rule of court such civil matters or issues therein as shall be specified by rule shall first be submitted to and heard by a board of three members of the bar of the court.

(b) Limitations.—No matter shall be referred under subsection (a):

(1) which involves title to real property; or

(2) where the amount in controversy, exclusive of interest and costs, exceeds:

(i) **[\$10,000]** *\$20,000* in judicial districts embracing first, second, second class A or third class counties *or home rule counties which but for the adoption of a home rule charter would be a county of one of these classes; or*

(ii) **[\$5,000]** *\$10,000* in any other judicial district.

(c) Procedure.—The arbitrators appointed pursuant to this section shall have such powers and shall proceed in such manner as shall be prescribed by general rules.

(d) Appeal *for trial de novo*.—Any party to a matter shall have **[a]** *the right to appeal [to and to a] for trial de novo in the court [upon payment of]. The party who takes the appeal shall pay* such amount or proportion of fees and costs **[within such time as shall be prescribed by general rule]** *and [upon compliance] shall comply* with such other procedures as shall be prescribed by general rules. In the

absence of appeal the judgment entered on the award of the arbitrators shall be enforced as any other judgment of the court. *For the purposes of this section and section 5571 (relating to appeals generally) an award of arbitrators constitutes an order of a tribunal.*

Section 2. This act shall take effect in 60 days and shall apply to actions filed on and after that date, except that the amendments to 42 Pa.C.S. §§ 2502(a) and 7361(d) shall be effective immediately and shall be retroactive to June 27, 1978.

APPROVED—The 6th day of April, A. D. 1980.

DICK THORNBURGH